

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

PNC BANK, NATIONAL ASSOCIATION, :  
Plaintiff, :  
vs. : Case No. 3:12cv369  
GATOR PIQUA PARTNERS, LLLP, *et al.*, : JUDGE WALTER H. RICE  
Defendants. :

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DECISION AND ENTRY OVERRULING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AGAINST DEFENDANT JAMES GOLDSMITH  
(DOC. #38), WITHOUT PREJUDICE TO RENEWAL AT CONCLUSION OF  
ANY NECESSARY DISCOVERY; SUGGESTED MEDIATION DATES;  
DISCOVERY CUT-OFF DATE, LEADING TO THE FILING OF MOTION  
FOR SUMMARY JUDGMENT, ON AN AS-NEEDED BASIS; DATE TO  
REFILE MOTION FOR SUMMARY JUDGMENT, ON AN AS-NEEDED  
BASIS

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The captioned cause came on to be heard upon a telephone conference call, between  
Court and counsel, on Monday, March 10, 2014. The following matters were discussed and  
agreed upon:

1. The Motion of the Plaintiff for Summary Judgment against Defendant James  
Goldsmith (Doc. #38) is overruled, as prematurely filed, without prejudice to renewal in the same  
or amended form, on or before June 2, 2014, following mediation and any necessary discovery  
undertaken to be able to prosecute and defend the aforesaid motion.
2. The following dates were suggested for possible mediation, at the Dayton seat of

court, before either the undersigned or Magistrate Judge Sharon L. Ovington, to wit: April 3<sup>rd</sup>, April 7<sup>th</sup> and/or April 10<sup>th</sup>, starting at 9:30 a.m. Counsel will confer with their clients and with each other, and advise the Court, not later than the close of business on Thursday, March 13, 2014, as to which date is preferable.

3. Should the captioned cause not settle, discovery may then take place until the close of business on Monday, May 12, 2014.

March 11, 2014



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record